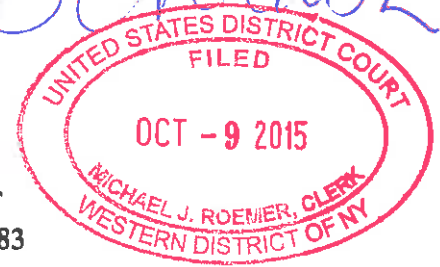


Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)



All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

Jury Trial Demanded

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. *Marlon Williams Din #15B1469*
2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R. Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. <i>Cody Goodfriend (RPD)</i>	4. <i>D. Helter (RPD)</i>
2. <i>Timothy Dancor (RPD)</i>	5. <i>Salvatore Amato (RPD)</i>
3. <i>R. Rodriguez (RPD)</i>	6. <i>The Rochester Police Department</i>

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: *Marlon Williams Din #15B1469*

Present Place of Confinement & Address: *Auburn Correctional Facility*

135 State Street P.O. Box 618
Auburn, New York 13021

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: Salvatore Amato I.D. #2180

(If applicable) Official Position of Defendant: Rochester police officer

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: The Rochester Police Department 185 Exchange BLVD Rochester, New York 14614

Name of Defendant: D. Helfer I.D. #2126

(If applicable) Official Position of Defendant: Rochester police officer

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: The Rochester Police Department 185 Exchange BLVD Rochester, New York 14614

Name of Defendant: The Rochester Police Department

(If applicable) Official Position of Defendant: The Rochester police Department

(If applicable) Defendant is Sued in X Individual and/or X Official Capacity

Address of Defendant: The Rochester Police Department, 185 Exchange BLVD, Rochester, New York 14614

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes X No

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): Marlon Williams Din# 15B1469

Defendant(s): JULIE HILLS, The Monroe County Jail, The Rochester Police Department.

2. Court (if federal court, name the district; if state court, name the county): Western District of New York (Rochester N.Y.)

3. Docket or Index Number: Case # 6:15-cv-06473-DGL

4. Name of Judge to whom case was assigned: ? N/A (New claim)

5. The approximate date the action was filed: On 8/12/2015
6. What was the disposition of the case?

Is it still pending? Yes X No

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

 By court for failure to exhaust administrative remedies;

____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

____ Judgment upon motion or after trial entered for

_____ plaintiff

 defendant.

- B. Have you begun any other lawsuits in federal court which relate to your imprisonment?**

Yes No **X**

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes____ No____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prison er confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

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STATEMENT OF 5.) CLAIM

09/08/2015
(Supporting STATEMENT)

On June 18th 2014 at approximately 9:00 p.m., I (plaintiff) Marlon Williams was physically Assaulted and Abused by officers of the Rochester Police Department, as the (the Rochester Police Department) used Abusive/Excessive force to arrest me while I had my child (3 year old infant) in my arms during the Abuse/Excessive force and time of the arrest inside my residence of 139 Keller Street, in the City of Rochester, New York 14621 without a warrant (arrest warrant and/or Home Warrant). Due to the Excessive abuse, I suffered a nasal fracture, a back/spine injury, lip laceration (visible scar), other bruises throughout my body, and mental damages, as I am still traumatized about the Excessive force used by the Rochester Police Department. My child also has suffered mental damages from the excessive force, as he was indeed in my arms during the abuse on the above time and date. The following officers from the Rochester Police Department was all a part of the abuse names are: Cody Goodfriend I.D.#2228 (primary officer and initial responding officer), Timothy Pancoe I.D.#2082 (the Supervisor on the scene of incident), Sal Amato I.D.#2180 (initial responding officer), Anthony Delvecchio I.D.# unknown (initial responding officer at the time of the alleged incident), R. Rodriguez I.D.#2331, P. Heffer I.D.#2126, and Daniel Santiago I.D.#2018.

On June 18th 2014 at approximately 9:00 p.m., the Rochester Police Department had received a phone call from a Lakeesha Jenkins reporting a menacing crime. After responding (the Rochester Police Department), they went to Lakeesha Jenkins North Goodman Avenue Address (in the City of Rochester, New York 14621) and there were allegations that I (plaintiff) was a suspect of the menacing. The Rochester Police Department then came to my 139 Keller Street Address (in the City of Rochester, New York 14621) to investigate the menacing matter as I was labeled a suspect. The officers that were present at my home during the initial part of the investigation was officers Cody Goodfriend, Sal Amato and Anthony

Delvecchio. During the investigation, I was upstairs of my 139 Keller Street Home with my child (3 year old infant) and I heard a loud commotion coming from the downstairs of my home. I quickly got up and grab my son trying not to panic because I knew my child could sense my emotions. As I quickly ran down the stairs of my home I noticed that there were 3 Rochester police officers in my living room questioning my mother and also overheard my mother stating numerous times that they (the Rochester Police Department) can't be in her home if they do not have a warrant. The Rochester Police Department took advantage of my mother (as she is fragile) and noticed me standing in front of the stairway. They (the Rochester Police Department) then asked me my name and my mother told me I don't have to speak as it is my right being in my own home secure. The Rochester police officers then asked me again the same question, and I answered them. They told me that my name came up as a suspect of a menace crime that took place earlier that day. I asked them was I under arrest and if not then they should leave my home. They told me that I wasn't under arrest, they just wanted to question me being that it was evident that they've enter my home without a warrant and wanted me to come outside so they can perform their duty as I was a suspect. About five minutes later, there were more officers by the names of Timothy Panceo (supervisor on the scene and Sargeant), D. Santiago, R. Rodriguez and P. Helfer. Once the additional officers of the Rochester Police Department entered my home (also without a warrant), I noticed that the whole situation was getting tense and that the officers were getting impatient to get me outside my home. I then noticed officer Cody Goodfriend come closer to me and boldly tried to wrestle with me as I still had my child in my arms. I resisted his grasp and stated I have a baby in my arms and you are acting unlawful men handling me hurting my son. At this time, the whole situation was beyond tense and now my family was getting involved telling the Rochester Police to identify their warrants to arrest and also that they are being aggressive when there is a infant in my arm and other children around. My son (my child) was now firmly attached to me, frightened by the police officers aggression. I was also scared for my life and my son's life as well. A few seconds later, I felt hard punches from officer Cody Goodfriend, so the best thing I knew to do was ball up in a corner and cover and protect my son as the other officers

that were around during officer Cody Goodfriend swinging punches were now doing the same and I felt my self getting dizzy. After feeling dizzy I felt a tazer pinch me and electrocute me twice. The whole time the officers were beating me, I just stood there. I didn't fight back because of the safety of my son. before being put to sleep (because of excessive force) I heard my mother crying and screaming saying that they are trying to kill her grandson. The whole situation was so out of hand that the Rochester police Department received calls indicating that the officers on the scene were acting unlawful and were trying to kill me. Everybody thought I was indeed dead from all those officers using excessive force against me.

I was transferred to Rochester General Hospital to get treated for my injuries that I had suffered from the excessive force. The doctor diagnosed my nose fractured, my lip was ripped and need several stitches (visible scar) and my back was injured from all the officers using their weight on top of me. I had a few other minor bruises all over my body. While still at the Hospital, I overheard the nurse/doctor tell one of the officers that was present that they had overdid their job and that there wasn't that much resisting in the world to cause those injuries. After being treated, I was then transferred to Monroe County Jail for the menacing charge.

It was learned the officer Cody Goodfriend had also been treated at another Hospital for pain in his hand. It was evident that Officer Cody Goodfriend had injured his hand from constantly punching me in my face and body. The doctors had diagnosed his hand as merely bruised after being x-rayed. A few weeks later (about 3 weeks) the officer (Cody Goodfriend) hand was diagnosed broken through a different doctor (his private doctor). It is evident that either the new doctor was covering for him or either a x-ray lied (the initial x-ray). The officer never produced facts, even during legal proceedings and at trial no documents were proven so.

During legal proceedings, the menacing charge was dismissed due to mistaken identity. In approximately September 2014, officer Goodfriend filed a Assault indicating that I broke his hand. Approximately April/May 2015 the Assault was dismissed and I was charged and plead guilty to a attempt for initially swinging a "missed closed fist" Allegedly before bailing up in a corner. So the record has reflected that I wasn't a threat after bailing up and also there weren't no proof that I swung a closed fist and missed. There isn't NO EXCUSE as to why that much excessive force was used.

A. FIRST CLAIM: On (date of the incident) June 18th 2014 at approximately 9:30 p.m.

defendant (give the name and position held of each defendant involved in this incident) Cody Goodfriend, Timothy Ponce (Sergeant), S. Amato, R. Rodriguez, D. Santiago, P. Heltzer, and A. DelVecchio (all are Rochester police officers)

did the following to me (briefly state what each defendant named above did): #1) used Excessive force to arrest me while I had an infant in my hands (Arms) at my residence of 139 Keller Street (Rochester N.Y. 14621) and due to Excessive force I was injured and suffered a fractured nose, fractured skull, back injuries, lip laceration (visible scar) and many contusions all over my body. (Cruel and unusual punishment, Endangering Welfare of a Child, Failure to protect, mental damages (permanent), and Due process.) #2) illegally searched and seized my home of 139 Keller Street (Rochester N.Y. 14621) without a warrant or consent. (Illegal Search and Seizure, Malicious Activity).

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Cruel and unusual punishment, failure to protect, mental damages, Excessive force, Endangering Welfare of a Child, and Due process. Violates my 4th, 5th, 8th, and 14th Amendments rights.

The relief I am seeking for this claim is (briefly state the relief sought): \$15,000,000.00 for Compensatory / Monetary and \$10,000,000.00 for mental damages and permanent mental disabilities.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? Yes ☒ No ☐ If yes, what was the result? _____

Did you appeal that decision? Yes ☒ No ☐ If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: At the time of incident, I was still healing and also my Attorney referred me not to.

A. SECOND CLAIM: On (date of the incident) June 26 2014

defendant (give the name and position held of each defendant involved in this incident) Cody Goodfriend (Rochester Police officer) and Cody Goodfriend's Doctor (Dr. Mitten).

did the following to me (briefly state what each defendant named above did): Maliciously lied about me breaking his hand (Cody Goodfriend's hand), after being Hospitalized on June 18th 2014 (the actual date of incident) at Rochester's Highland Hospital with a diagnoses of his (Cody Goodfriend's hand) being merely bruised and not Broken, as X-Rays proved so of facts as documented on June 18th 2014. On June 26 2014, Cody Goodfriend claimed that his hand was diagnosed broken by a "Specialist," Although the initial X-RAY proved differently. A X-RAY is 100% Accurate and can detect a Hairline fracture with today's technology. Cody Goodfriend never produced Any facts of Broken Bones. (Malicious prosecution, Forgery, Cruel and unusual punishment, False imprisonment and mental Anguish.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Malicious prosecution, Mental Anguish, Cruel and unusual punishment, Forgery, Due process and False imprisonment. Violation of my 4th, 8th, and 14th Amendment rights.

The relief I am seeking for this claim is (briefly state the relief sought): \$ 10,000,000.00 for Compensatory and punitive damages and \$5,000,000 for mental Anguish and permanent mental disabilities and injuries.

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes X No If yes, what was the result? _____

Did you appeal that decision? _____ Yes X No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: At the time of incident, my Body was still healing from the Excessive force and my Attorney recommended not to.

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

TOTAL of \$25,000,000.00 for Compensatory and punitive Damages And \$15,000,000.00 for mental Anguish and permanent mental disabilities and injuries.

Do you want a jury trial? Yes X No _____

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss.:

COUNTY OF CAYUGA)

I, Marlon Williams, being duly sworn deposes and says that on the below indicated date of notarization, I served a true copy of: 42 U.S.C 1983 Complaint
Civil Cover Sheet, motion to proceed in forma pauperis, Authorization
Form, medical records, mental health records, and Statements made
on the following parties: by the plaintiff and All officers (defendants).
United States District Court Clerk
in Rochester, NY 14614-1387

by placing said documents in a properly addressed envelope with postage prepaid and placing said envelope in the prison mailbox located in the AUBURN Correctional Facility


Dated: October 05, 2015

Respectfully Submitted,

Marlon Williams
Marlon Williams DM#15B1469

Sworn to before me on this

6 day of October, 2015


NOTARY PUBLIC

